

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) GEORGE A. JACKSON#171250

(Name of Plaintiff) (Inmate Number)  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

(Complete Address with zip code)

Individually and on Behalf of All Others  
Similarly Situated at the Main Kitchen Unit  
(2) at the Sussex Correctional Institution.

(Name of Plaintiff) (Inmate Number)

\*Additional Plaintiffs\* (next page)

(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

STANLEY TAYLOR, Individually and in His  
(1) Official Capacity as Commissioner of  
Department of Corrections, JOYCE TALLEY;  
(2) Individually and in Her Official Capacity  
as Bureau Chief of Management Services;  
(3) TONY FIGARIO, Individually and in His  
(Names of Defendants) (see attached page)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

**I. PREVIOUS LAWSUITS**

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

JACKSON v. IVENS, et. al C.A. No. 01-559-KAJ/ filed 2001

Civil Action No. 05-823 KAJ

(Case Number)

( to be assigned by U.S. District Court)

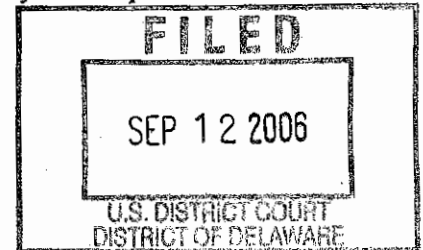
"AMENDED"

**CIVIL COMPLAINT**

(CLASS ACTION)

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• • Jury Trial Requested



DARUS YOUNG#282852-CHARLES BLIZZARD#166670-FRANK WILLIAMS#261867  
ROY WILLIAMSON#291856-ANTHONY MORRIS#300363-CARL WALKER#173378  
SAMUEL JONES#-DARWIN SAVAGE#232561-ADRAIN WRIGHT#16992-JAMES WILSON#1636  
GILBERT WILLIAMS#137575-CHARLES SANDERS#160428-JOSEPH WHITE#082985  
TIMOTHY MALLOY#171278-HOWARD PARKER#165324-KEVIN SPIVEY#258693  
WILLIAM TURNAGE#159018-PAXTON FOREMAN#179665-JAMES JOHNSON#155123  
RODERICK BROWN#315954-ROGER THOMAS#292590-LAWRENCE DICKENS#124570  
DANNY QUILLEN#-ELDON POTTS#211193-JEROME GREEN#-RIQUE REYNOLDS#266486  
VERNON TRUITT#-JERRY WESTON#329478-KASHAWN WESTON#264279, and JOSE  
SERPA#350322, \*AMENDED\* JOHN DAVIS#263753

ADRESS: Sussex Correctional Institution  
P.O. Box 500  
Georgetown, Delaware

Plaintiffs

v.

Official Capacity as Chief of Inspection/Security,  
CARL ANSON, Individually and in His Official Capacity  
as Chief of Maintenance at Sussex Correctional  
Institution and DELAWARE DEPARTMENT OF CORRECTIONS.

Defendants

\* AMENDED - DEFENDANTS

MICAH EL KNIGHT, Individually and in his Official Capacity as Correctional Food  
Service Adminstrator, CHRIS SENATO, JOSEPH ATKINS, DEBBIE MELVIN, RICHARD COCKETT,  
RICHARD MANUEL, ~~JIM CATTS~~, DARRELL MULLINS, WENSTON WHITE, STEVEN RAYNOR, and  
BETHANY EVANS, sued in their Individually Capacity as Food Service Employees at  
the Sussex Correctional Main Kitchen, Georgetown, Delaware

## II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes • • No
- C. If your answer to "B" is Yes:
1. What steps did you take? File grievance on 7/19/ 2005
  2. What was the result? October 11, 2005 I received the final review of exhaustive claim.. "We uphold yuor appeal request."
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

## III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: STANLEY TAYLOR  
Employed as COMMISSIONER at DELAWARE DEPARTMENT OF CORRECTIONS  
Mailing address with zip code: 245 McKee Road, Dover, Delaware 19904
- (2) Name of second defendant: JOYCE TALLEY  
BUREAU CHIEF OF  
Employed as Management Services at DELAWARE DEPARTMENT OF CORRECTIONS  
Mailing address with zip code: 245 McKee Road, Dover, Delaware 19904
- (3) Name of third defendant: TONY FIGARIO  
CHIEF OF  
Employed as Inspections/Security at DELAWARE DEPARTMENT OF CORRECTIONS  
Mailing address with zip code: 245 McKee Road, Dover, Delaware 19904

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

Cont....

CARL ANSON

Employed as : Chief of Maintenance at: Sussex Correctional Institution  
Route 113, Georgetown, Delaware 19947

DELAWARE DEPARTMENT OF CORRECTIONS, is the entity responsible for the  
maintenance and operation at the Sussex Correctional Institution.  
at: 245 McKee Road, Dover, Delaware 19904

AMENDED

MICHAEL KNIGHT

Employed as: Correctional Food service Administrator

CHRIS SENATO, JOSEPH ATKINS, DEBBIE MELVIN, RICHARD CROCKETT, RICHARD  
MANUEL, ~~JIM CATTS~~, DARRELL MULLINS, WENSTON WHITE, STEVEN RAYNOR, and  
BETHANY EVANS.

Employed as: Food Service employees at: Sussex Correctional Institution  
Main kitchen unit



#### IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

- This is a class action by the Plaintiffs and on behalf all individuals that have been committed to the custody of the Commissioner of the Delaware Department of Corrections (DDOC), who have been, are now or in the future will be classified to work at the Main Kitchen Unit at Sussex Correctional Institution (SCI), Georgetown, Delaware 19947
1. Delaware Department of Corrections (DDOC), who have been, are now or in the future will be classified to work at the Main Kitchen Unit at Sussex Correctional Institution (SCI), Georgetown, Delaware 19947

##### A. Physical Plant

The main Kitchen Unit at SCI is operates with two different sections joined together. On information and belief, one section ("old-side") was built between the years of 1960 thru 1970. The second section ("new-side") was built between 1997 thru 1998. Both sides are install with commercial cooking equipment design with exhaust ventilation systems to eliminate excessive heat, gases, vapors fumes and high humidity at the work place. The "old-side" exhaust ventilation system is old, outdated, and poorly maintained. In fact, has not work since 1997.

##### B. Inadequate Ventilation

- Well before the filing of the Complaint in this action, inadequate ventilation and air flow persistently exist in the "old-side" area, dish-washer room, bathroom, and breakroom area, resulting in excessive heat, and extreme humidity with the effect of creating unsanitary conditions and a safety hazard for class members working or had worked in the kitchen area, thereby facilitating personal discomfort and sanitation problems.
2. The conditions described above, subject class members to confinement under harmful conditions that represents imminent dangers to the health and well-being of the inmates and over/time correctional officers who consuming food from the operation, especially during the summer months. In addition, sanitation deficiencies are compounded by floor fans used to circulate the air cause dust and lint to be blown over the food preparation and dishwashing areas. Rodents and insect infestation is extensive. The cumulative impact of these serious deficiencies has resulted in contaminated food being sent out to the prison population.

#### V. RELIEF

(continue next page)

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

- WHEREFORE, Plaintiffs, individually and on behalf of all others similarly situated, request that this Court:
1. \_\_\_\_\_

a) Assume jurisdiction of this action;

b) Issue an order certifying this action to proceed as a class

pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure;

c) Issue a declaratory judgment pursuant to 28 U.S.C. §2201 and Rule

cont ...

\* - AMENDED

4. Inadequate ventilation at the SCI kitchen, has resulted in climate control being inadequate, often leading to extreme heat condition in the summer and extreme cold condition in the winter.

\* 5. Defendants Knight, Senato, Atkins, Melvin, Crockett, Manuel, White, Mullins, Raynor and Evans, has instructed and ordered the plaintiffs and other similarly situated inmate kitchen workers not to wear DOC issued cold-weather clothing at the work place, while Defendants wore cold-weather clothing, thereby subjecting plaintiffs to work in extremely low temperatures during the winter months with inadequate clothing.

6. Defendants fail to provide Plaintiffs with the basic necessities of life, including a healthy habilitative environment, personal safety, food and health care.

7. The consequences of failing to adequately train food service correctional officers on the recognition, avoidance and prevention, along with how to respond appropriately to a condition that is grossly inadequate, allowed the unsanitary food service environment to remain at the SCI main Kitchen Unit since 1997.

DELIBERATE INDIFFERENCE TO PRISONER'S CONDITION

8. Defendants Taylor, Talley, Figario and Anson have failed to initiate and maintain such programs to ensure a safety and healthy working conditions for Plaintiffs and similarly situated inmate kitchen workers at the SCI kitchen. Defendants have fail-to-established and supervise programs for the education and training of food service correctional officers in the recognition, avoidance and prevention of a unsanitary, hazardous or unsafe condition at the SCI Main Kitchen Unit.

\* 9. Defendants Knight, Senato, Atkins, Melvin, Crockett, Manuel, White, Mullins, Raynor and Evans, have all observed the unhealthy work conditions at SCI kitchen, knew or reasonably should have known that the kitchen's ventilation system was not only inadequate, but also unhealthy, but failed to remedy the problem.

10. Defendants have not taken action to remedy these conditions. Defendants' conduct and failure to provide prisoners with basic necessities, despite their knowledge of a substantial risk of serious harm, constitute deliberate indifference. The ill-effect of each deprivation are exacerbated or caused by related conditions, inadequate ventilation and air flow. The resulting conditions at the SCI kitchen, taken as a whole, are incompatible with contemporary standards of decency, cause unnecessary pain, and are not reasonably related to any legitimate acts and omission evidence and constitutes deliberate indifference to the rights of sentenced prisoners and violate Cruel and Unusual Punishment clause of the Eighth Amendment to the United States Constitution.

NO ADEQUATE REMEDY AT LAW

11. As a proximate result of Defendants' policies, practices, acts and omissions, Plaintiffs and similarly situated inmates have suffered, do suffered and will continue to suffer immediate and irreparable injury, including physical, psychological and emotional injury. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs described herein. Injunctive relief sought by Plaintiffs and class members is necessary to prevent continued and further injury.

- 57 of the Federal Rules of Civil Procedure, that the polices,
2. practices, acts and omissions complained of violate Plaintiffs' rights;  
d) Issue preliminary and permanent injunctive relief sufficient  
to rectify the unconstitutional and unlawful acts, policies, practices  
and conditions complained of herein;  
e) Retain jurisdiction over Defendants until such time as the Court  
is satisfied that their unlawful policies, practices, acts and
3. omissions complained of herein no longer exist and will not recur;  
f) Award damages to the Plaintiffs in an amount in excess of \$100,000;  
g) Award Plaintiff's reasonable attorneys' fee pursuant to 42 U.S.C.  
§1988, and costs of this action;  
h) Award such other firther relief as to this Court seems just and  
proper.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 22<sup>nd</sup> day of May, 2006  
George N. Jackson 171250  
(Signature of Plaintiff 1)  
Charles F. Blizard - 166670  
(Signature of Plaintiff 2)  
Darro Young 282852  
(Signature of Plaintiff 3)

contt.....

James Johnson 155123155John Davis 263753Kevin Spivey 258693Samuel Jones 465297Pillue Reynolds 266486Joseph White 00082985Adrian S. Wright 169921Anthony Morris 300363Boz Williamson 291856Carl Walker-00173378Darwin Savage-00232561Timothy L Malloy 00171278FRANK Williams 00261867



CERTIFICATE OF SERVICE

I, George A. Jackson, certifies that on September 5, 2006, he caused the attached AMENDED COMPLAINT to be delivered to the following person(s) in the form and manner indicated:

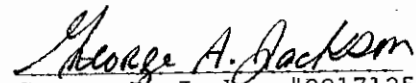
Department of Justice  
Carl Dabberg  
Attorney General  
Carvel State Office Building  
820 North French Street, 6th Fl.  
Wilmington, DE 19801  
Attorney for Defendants

George A. Jackson#00171250  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

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Wilmington, DE 19801  
Attorney for Defendants

  
George A. Jackson#00171250  
Sussex Correctional Institution  
P.O. Box 500  
Georgetown, DE 19947

GEORGE A. JACKSON  
I/M: BLDG. MER. #  
SUSSEX CORRECTIONAL INSTITUTION  
P.O. BOX 500  
GEORGETOWN, DELAWARE 19947

U.S. DISTRICT COURT  
Lock Box 18  
844 N. King St  
Wilmington, DE  
19801

U.S. MAIL  
K-RAV

